

The Legal Mechanisms of 'Leaving No One Behind' – International Law's Role in Achieving the Sustainable Development Goals

Inna Amesheva
Doctoral Researcher, The University of Hong Kong

Email: i.amesheva@gmail.com

Telephone: +85269296325

Corresponding address: 1/F, Cheng Yu Tung Tower, The University of Hong Kong, Pokfulam Road, Hong Kong

Abstract

The Sustainable Development Goals (SDGs), adopted in September 2015 marked a watershed moment in consolidating global governance and citizenship. The SDGs evidenced that the international community can come together when faced with unprecedented challenges such as tackling the social exclusion of the most vulnerable and environmental degradation. Yet, the Goals represent largely a 'soft' instrument of international law, meaning that there are no concrete legal mechanisms that can promote or encourage their implementation. Despite their aspirational and non-legally binding character, however, the Sustainable Development Goals have the possibility to spur momentum and achieve a tangible impact by mobilizing a range of stakeholders such as governments, businesses and civil society. Indeed, it is recognized that the greatest effort in realizing the SDGs' agenda is yet to come.

The SDGs' focus naturally falls on the world's most vulnerable, evident through the slogan of the endeavor: 'leave no one behind', meaning deprived individuals in both developed and developing countries. However, there is immense difficulty in implementing this colossal effort in practice, given that the 17 goals are to be gauged against 169 further, more specific, sub-targets. The degree of mobilization by the international community this endeavor will require is unprecedented and could only be compared to an 'Apollo Programme for the Earth'. What is more, the breadth of the SDGs poses the danger that some of the goals could be mutually conflicting, if not interpreted or applied consistently. Thus, the adequate monitoring and implementation of the SDG process cannot be overemphasized, if they are to leave the realm of the aspirational and achieve their intended outcomes.

This paper therefore examines the main international legal instruments and mechanisms that underscore the imperative of sustainable development. The paper's main focus is on International Environmental Agreements such as UNFCCC, on the Addis Ababa Agenda on Development Financing promulgated in July 2015, as well as the Sendai Framework for Disaster Risk Reduction, introduced in March 2015. An analysis of these legal provisions is necessary due to the fact that they are all geared towards the achievement of a more resilient and sustainable post-2015 international order. In addition, all three refer to the need to achieve environmental sustainability and halt climate change, stressing the interconnectedness between the mandates of sustainability, financing and resilience, which stand at the heart of realizing the Global Sustainable Development effort.

Introduction

The United Nations Sustainable Development Goals ('SDGs') were adopted in 2015 as a successor to the Millennium Development Goals.¹ They marked a landmark development in the international community's efforts to tackle some of the most pressing challenges of the twenty-first century. The Goals entered the remit of international law through the UN General Assembly Resolution, entitled 'Transforming our world: the 2030 Agenda for Sustainable Development',² which has the aim to combine the economic, social and environmental aspects of sustainable development.³

The SDGs are comprehensive in scope, covering a broad range of issues, such as eradicating poverty and hunger, ensuring universal access to education and health, achieving gender equality, tackling environmental and economic challenges, as well as ensuring peace and justice, to name but a few. Due to reasons of space, this study will chiefly focus on the legal mechanisms necessary for addressing climate change and environmental degradation. These issues reflect the true spirit of the SDGs since they embody collective problems that will affect the entire world population, without prejudice to socio-economic status, race, gender or geographic location.⁴ This choice is warranted due to the emphasis on inclusivity and universality that permeates the SDGs project, embodied by the slogan 'Leave no one behind.' The analysis of legislative provisions in this paper is intended to demonstrate the inter-dependencies between seemingly distinct goals and the fact that the fulfilment of diverse legal mandates is closely tied to the overarching objective of achieving sustainable development.⁵

1. From the Millennium Goals towards Sustainability for All

Despite their aspirational and non-legally binding character,⁶ UN initiatives such as the Millennium Development Goals ('MDGs')⁷ and the Sustainable Development Goals⁸ have the possibility to spur momentum and achieve a tangible impact by mobilizing a wide range of stakeholders such as governments, businesses and civil society. Representing a

¹ The Goals were adopted in September 2015 by the UN General Assembly, Draft resolution referred to the United Nations summit for the adoption of the post-2015 development agenda by the General Assembly at its sixty-ninth session, <http://www.un.org/ga/search/view_doc.asp?symbol=A/70/L.1&Lang=E>. See also <<http://www.un.org/sustainabledevelopment/sustainable-development-goals/>>.

² UN General Assembly Resolution A/RES/70/1, <http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E>. The Resolution entered into force on 1 January 2016.

³ *Ibid.* Preamble.

⁴ Yet, it is admitted that the brunt of climate change will be majorly felt by women and the most vulnerable segments of the Earth's population living in still developing or underdeveloped parts of the world.

⁵ This is without prejudice to the already existing development institutions and agencies that deal with these issues, such as the United Nations Development Program, the World Bank (even though it must be mentioned that reducing global poverty is not an explicit goal of the World Bank and its operations) and the International Monetary Fund. It must be emphasised that the work of these agencies would greatly benefit from being more coordinated and streamlined.

⁶ See Sergei A. Voitovich, *International Economic Organizations in the International Legal Process*, p. 95. Martinus Nijhoff Publishers, 1995, discussing the recommendatory and non-legally binding nature of General Assembly Resolutions.

⁷ The eight MDGs were adopted at the 2000 UN Millennium Summit and cover: 1) The eradication of extreme poverty and hunger; 2) Achieving universal primary education; 3) Promoting gender equality; 4) Reducing child mortality; 5) Improving maternal health; 6) Combating HIV/AIDS, malaria, and other diseases; 7) Ensuring environmental sustainability; and 8) Developing a global partnership for development. See <<http://www.un.org/millenniumgoals/>>.

⁸ The goals are contained in paragraph 51 United Nations Resolution A/RES/70/1 of 25 September 2015, <http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E>.

mixed success,⁹ the now expired MDGs paved the way towards an ambitious post-2015 development framework. Indeed, the newly-adopted SDGs represent 17 goals which are more comprehensive in scope than the MDGs, and address multiple issues and sustainability challenges, as the following figure demonstrates:



Figure 1: The 17 Sustainable Development Goals
Source: UNDP

Particularly in relation to environmental sustainability, the interconnected character of the Goals is evident since a large number of them have environmental implications, along with various sustainability targets, such as:

- Ensuring availability and sustainable management of water and sanitation for all (Goal 6);
- Ensuring access to affordable, reliable, sustainable and modern energy for all (Goal 7);
- Making cities and human settlements inclusive, safe, resilient and sustainable (Goal 11);
- Ensuring sustainable consumption and production patterns (Goal 12);
- Take urgent action to combat climate change and its impacts (Goal 13);
- Conservation and sustainable use of the oceans, seas and marine resources for sustainable development (Goal 14); and

⁹ Some of the targets ostensibly failed (most notably, the goals to halve hunger, ensure universal access to primary education, cut infant and maternal mortality rates as well as improve access to sanitation) and others, even though proclaimed a success, were actually the result of creative accounting techniques, which saw the improvement in numbers artificially climb, while the practical reality was much bleaker. See Jason Hickel, 'It will take 100 years for the world's poorest people to earn \$1.25 a day', *The Guardian*, 2015. Indeed, Hickel demonstrates that if we use a more realistic poverty line of US\$ 2.5 per day, there are 352 million more people living in poverty today than in 1981, which casts a shadow over the overall success of the MDG project. See Jason Hickel, 'The death of international development', *Al Jazeera*, 2014. See also Rich Harris and Claire Provost, 'Millennium development goals: big ideas, broken promises?', *The Guardian*, 24 Sept. 2013, <<http://www.theguardian.com/global-development/interactive/2013/sep/24/millennium-development-goals-data-interactive>>.

- Protecting, restoring and promoting sustainable use of terrestrial ecosystems, sustainably managing forests, combating desertification, and halting and reversing land degradation, and halting biodiversity loss (Goal 15).

It is thus clear that seven out of the seventeen SDGs have at their core the goal of achieving environmental sustainability, while four of them are concerned with improving the situation of the least advantaged members of society.¹⁰

The inter-relationship between the SDGs and the international climate change process emerges from the fact that the principle of sustainable development, an overarching objective of the Sustainable Development Goals, is also incorporated into the UN Climate Change Convention (UNFCCC).¹¹ By analogy, since tackling inequality is a distinct aim of the SDG effort (Goal 10), it could be argued that the guiding principle of the UNFCCC to promote sustainable development inevitably incorporates an objective to improve the lives of the least advantaged. Indeed, it has been noted that the interdependence between all 17 Goals sits at the core of the post-2015 agenda:

the core message of the Sustainable Development Goals (SDGs) that development is multi-faceted and the achievement of many of the individual development goals is dependent on the accomplishment of other goals.¹²

The SDGs' focus naturally falls on the world's most vulnerable, evident through the slogan: 'leave no one behind', meaning that underprivileged individuals in developed and developing countries alike should be able to benefit from the accomplishment of the Goals. It is acknowledged that there is immense difficulty in implementing this effort in practice, given that the 17 goals are to be gauged against 169 further, more specific, sub-targets.¹³ The degree of mobilization of the international community to achieve this endeavor is unprecedented and could only be compared to an 'Apollo Programme for the Earth'. It transpires that global solutions are needed to resolve challenges on a universal scale such as the problems targeted by the SDGs. Accordingly, the following sections of this paper will examine the role of international law in attaining the SDGs.

2. The Role of International Law in Realizing the SDGs

The SDGs emphasize the importance of international law for implementing and achieving the Global Goals: "we reaffirm our commitment to international law and emphasize that the Agenda is to be implemented in a manner that is consistent with the rights and obligations of States under international law."¹⁴ The main legal mechanisms that exist to ensure the fulfilment of the environment-related SDGs can be found in international environmental law treaties. For instance, goal 6 on the sustainability and availability of water for all is covered by the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes. Goal 7 (ensuring sustainable and reliable energy) is governed by the 1991 Energy Charter Treaty. Goal 13 falls under the auspices of the 1992

¹⁰ These are Goal 1: End poverty in all its forms everywhere; Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture; Goal 5: Achieve gender equality and empower all women and girls and Goal 10: Reduce inequality within and among countries.

¹¹ Article 3 UNFCCC. Sustainable development is mentioned alongside the precautionary principle and the notion of common but differentiated responsibilities of states.

¹² Bahadur, Aditya, Emma Lovell, Emily Wilkinson, and Thomas Tanner. "Resilience in the SDGs." (2015), 1.

¹³ UN, Sustainable Development Goals, <<https://sustainabledevelopment.un.org/topics>>.

¹⁴ UN General Assembly Res. 70/1, The New Agenda, para. 18.

Framework Convention on Climate Change (UNFCCC). Goal 14 is under the mandate of 1982 UN Convention on the Law of the Sea (UNCLOS), as well as the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention), London, 1972, among other treaties. Lastly, goal 15's multidimensionality means that a number of legal instruments apply, such as the Convention on Biological Diversity (CBD), Nairobi, 1992, the Convention to Combat Desertification (CCD), Paris, 1994 and the International Tropical Timber Agreement, (ITTA), Geneva, 1994, to name but a few applicable examples. This is just a small representative snapshot of the international legal instruments that will influence the achievement of the Global Goals related to environmental protection. The list is by no means exhaustive and only touches on the most prominent legal agreements that govern these issues.

In this regard, the global climate change legal regime¹⁵ certainly comprises the United Nations Framework Convention on Climate Change,¹⁶ along with its related instruments, processes and outcomes. For the purposes of the present analysis, however, this paper adopts a broader delineation to include development-related legal instruments that are not formally part of the international climate change framework, but nevertheless bear significant relevance to the resolution of the climate change and environmental degradation problem.

This approach stems from the need to address the presently distinct and unsynchronized policies that aim to tackle disaster, climate change and sustainable development problems within diverse fora and institutions.¹⁷ A viable sustainable development policy needs to incorporate proactive steps for mitigation, adaptation as well as effective shock and disaster response, which are all vital conditions for achieving sustainability. This article therefore goes beyond the UNFCCC process to include two additional international legal instruments adopted recently (in 2015), namely:

- a) The Addis Ababa Action Agenda on Financing for Development,¹⁸ aiming to establish a post-2015 global framework for development finance; and
- b) The Sendai Framework for Disaster Risk Reduction 2015-2030, which has the goal of improving international disaster preparedness and response.¹⁹

An analysis of these legal provisions is necessary due to the fact that they are all geared towards the achievement of a more resilient and sustainable post-2015 world order. In addition, both of them refer to the need to achieve environmental sustainability and halt climate change, stressing the interconnectedness between the mandates of sustainability, financing and resilience.

¹⁵ The notion of 'regime' itself has been defined as a: "set of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge" Krasner S. 'Structural causes and regime consequences; regimes as intervening variables'. In: Stephen K, ed. *International Regimes*. Ithaca: Cornell University Press; 1983.

¹⁶ United Nations Framework Convention on Climate Change, U.N. Doc. A/AC.237/18 (Part II)/Add.1; 31 ILM 849 (1992).

¹⁷ This is also a testament to the existing regime fragmentation within international law. See chapter VI *infra* as well as Lisa Schipper and Mark Pelling, 'Disaster risk, climate change and international development: scope for, and challenges to, integration' (2006) *Disasters*, 2006, 30(1): 19–38, Overseas Development Institute.

¹⁸ Addis Ababa Action Agenda of the Third International Conference on Financing for Development, endorsed by the General Assembly in its resolution 69/313 of 27 July 2015. <http://www.un.org/esa/ffd/wp-content/uploads/2015/08/AAAA_Outcome.pdf>.

¹⁹ Adopted at the Third UN World Conference in Sendai, Japan, on March 18, 2015 as a successor to the Hyogo Framework for Action (HFA) 2005-2015, <http://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf>.

3. Financing for Development – The Addis Ababa Action Agenda

One of the most important preconditions to the SDGs' success and implementation is the adequate provision of development finance. It has been estimated that between US\$5-7 trillion would be required to achieve the post-2015 global development effort.²⁰ It is therefore evident that the Sustainable Development Goals, like any other ambitious world-wide effort, cannot be achieved without the targeted mobilisation of development funding.

The Financing for Development summit, which took place in July 2015 in Addis Ababa, builds on two previous financing for development conferences. The first International Conference on Financing for Development was held in Monterrey, Mexico, in 2002 and the second one took place in Doha, Qatar, in 2008. The Addis Ababa Action Agenda, which paves the way for 2015-2030 international development efforts, is described by the UN as “a series of bold measures to overhaul global finance practices and generate investments for tackling a range of economic, social and environmental challenges.”²¹ This further reiterates the SDGs' idea of ‘leaving no one behind’. The Agenda, approved by 193 UN member states, is rather comprehensive, incorporating more than one hundred specific measures and covering the entirety of financing sources. It aims to promote cooperation on matters related to technology, innovation, science and trade, as well as institutional capacity-building for developing countries.²²

The Addis Ababa agreement re-emphasised the importance of private finance and underscored the need to align it with sustainable development objectives.²³ The Outcome document is commendable in that it seeks to cater for the interests of the most vulnerable countries and individuals, by including provisions on national social protection systems,²⁴ measures targeted to least developed countries (LDCs),²⁵ as well as stressing the need for effectively mobilising official development assistance (ODA)²⁶ and promoting South-South co-operation.²⁷ What is more, specific provisions on climate change finance were included, recommitting developed states to implement their pledges to provide US\$100 billion per year

²⁰ Source: AidData, <<http://aiddata.org/sdg>>.

²¹ UN, ‘Countries reach historic agreement to generate financing for new sustainable development agenda’, Press Release, 2015 <<http://www.un.org/esa/ffd/ffd3/press-release/countries-reach-historic-agreement.html>>.

²² *Ibid.*

²³ The Addis Ababa Action Agenda of the Third International Conference on Financing for Development, para. 48. The role of the private sector in developing countries cannot be ignored since businesses generate 60 percent of GDP <<http://www.imf.org/external/pubs/ft/survey/so/2013/car112713a.htm>>, 80 percent of capital flows <http://www.realclearmarkets.com/articles/2013/11/29/emerging_economies_bring_new_life_to_philanthropy_100766.html>., and 90 percent of new employment in developing states. <http://europa.eu/rapid/press-release_MEMO-14-345_en.htm>.

²⁴ *Ibid.* para. 12. This has been designated as a ‘global social compact’.

²⁵ *Ibid.* para. 8.

²⁶ The Outcome document reiterated the commitment of states to provide 0.7 percent of their Gross National Income (GNI) for ODA, of which 0.15-0.20 percent is to be disbursed to least developed countries (LDCs) by 2030. *Ibid.* para. 51. This is important since in 2014 only five countries met the promise to provide 0.7 percent in ODA (Sweden, Luxembourg, Norway, Denmark and the UK). Even though the United States provided the highest *total* amount of ODA, this still represents only 0.19 percent of its GNI). In addition, in 2014 there was the worrying trend that ODA to LDCs fell by 8 percent in real terms when compared to the year before. Source: OECD, Development aid stable in 2014 but flows to poorest countries still falling, <<http://www.oecd.org/dac/stats/development-aid-stable-in-2014-but-flows-to-poorest-countries-still-falling.htm>>.

²⁷ *Ibid.* paras. 28 and 120.

by 2020 to developing nations in order to address the hazards of climate change.²⁸ An important milestone in this relation is the commitment to phase out fossil fuel subsidies, which distort the energy market and result in overconsumption of carbon-intensive fuels as well as underinvestment in renewable energy technologies.²⁹

Many participants in the Addis Ababa conference were, however, disappointed with the Agenda's lack of commitment to provide *new*, as opposed to already existing, financing and resources to spur investment into sustainable development.³⁰ Nor was there any progress made to address reform of the international financial system. This is particularly important in relation to developing country participation in decision-making on global tax standards as well as the restructuring of the international taxation system, in light of persistent and dubious practices of tax evasion and tax avoidance by large multinational corporations.³¹ Despite recurring calls for the inclusive participation of developed and developing states alike, proposals to substitute the currently OECD-dominated UN Expert Committee on Tax Matters with an intergovernmental tax body under the auspices of the UN were blocked by rich countries who would continue to set the agenda on international cooperation on taxation. This, it is argued, fails to reflect the need for heterogeneity in international standard-setting and broader participation in decision-making.³² What is more, taxation is increasingly important in relation to adequately accounting for the environmental impact of goods and services, which should be 'internalized' through the adequate pricing of externalities via the imposition of carbon and greenhouse gas emission taxes. Therefore, even though the Addis Ababa Action Agenda on financing for development did make some commendable steps towards achieving a more resilient and sustainable post-2015 development framework, there are still numerous areas where additional progress is required before the goals of sustainable development can be fully realised.

4. Reducing Risk and Strengthening Resilience – The Sendai Framework for Disaster Risk Reduction

The next international legal instrument that bears significance to the realization of the Sustainable Development Goals and helping the most vulnerable members of society is the Sendai Framework for Disaster Risk Reduction.³³ The Sendai Framework was agreed at the Third UN World Conference on Disaster Risk Reduction in Japan in March 2015. Its goal is to improve domestic efforts and scale up international cooperation for ameliorating the human and economic cost of disasters. A successor to the Hyogo Framework for Action, which was applicable between the years 2005-2015,³⁴ the Sendai Framework includes seven targets against which progress can be measured.³⁵ The commitments include a goal

²⁸ *Ibid.* para. 60. The Addis Ababa Agenda also emphasised the need for effective resource mobilisation of the Green Climate Fund, para. 61.

²⁹ *Ibid.* para. 31. Indeed, this is a significant achievement and, if implemented, is likely to free up in excess of US\$500 billion per year that could be channelled into the green economy. International Energy Agency, World Energy Outlook Special Report, 10 June 2013.

³⁰ State of Civil Society Report 2015, Civicus, <<http://civicus.org/index.php/en/>>.

³¹ Joseph Stiglitz, 'America is on the wrong side of history', 6 Aug. 2015, The Guardian, <<http://www.theguardian.com/business/2015/aug/06/joseph-stiglitz-america-wrong-side-of-history>>.

³² Jose Antonio Ocampo, 'A Defeat for International Tax Cooperation', 4 Aug. 2015, Project Syndicate, <<http://www.project-syndicate.org/commentary/addis-ababa-international-tax-cooperation-initiative-failure-by-jose-antonio-ocampo-2015-08>>.

³³ Sendai Framework for Disaster Risk Reduction 2015-2030, <<http://www.unisdr.org/we/inform/publications/43291>>.

³⁴ UN, Hyogo Framework for Action (HFA), <<http://www.unisdr.org/we/coordinate/hfa>>.

³⁵ Sendai Framework for Disaster Risk Reduction, para. 18 <http://www.unisdr.org/files/43291_sendaiframeworkfordrren.pdf>.

to reduce disaster-induced mortality rates between 2020-2030, a reduction in the number of individuals affected by disasters, as well as a decrease in the share of global GDP lost to natural hazards. The agreement also comprises targets to reduce infrastructure damage as well as disruption to essential services such as health and educational facilities. What is more, there is renewed emphasis on enhanced information and prevention channels such as early warning systems.

Yet, the Sendai Framework is seen as lacking more concrete guarantees, particularly in relation to the mobilisation of disaster finance. Indeed, Japan was the only country that committed to the provision of disaster management funding (US\$4 billion) over a period of four years. The disaster risk reduction financing gap is significant since disaster financing remained inadequately addressed at the Addis Ababa summit, outlined in the preceding section, leaving the issue to be tackled largely by domestic actors.³⁶ It is hence arguable that the sheer extent of disaster-induced damage calls for more robust measures by the international community. During the ten-year period covered by the former Hyogo Framework, in excess of 700,000 people died and more than 1.5 billion individuals were impacted by disasters.³⁷ In addition, the economic cost of disaster events surpassed US\$ 1.3 trillion.³⁸ It is thus essential to scale up efforts in designing adequate preventive, as opposed to simply reactive response mechanisms to tackle disaster risk.

Returning to the core subject of this article, it transpires that both development finance and the proactive management of disasters sit at the heart of resolving the issue of environmental sustainability. With this in mind, the next section addresses the recurring concern relating to the concrete delineation of the concept of sustainable development in international policy discourse.

5. The Dichotomy of Sustainable Development Discourse

From the above analysis it is apparent that the concept of 'sustainable development' sits at the heart of any discussion of international environmental law and climate change. Sustainable development is also one of the overarching goals towards which the international climate change regime is aimed.³⁹ It was pioneered at the 1972 United Nations Conference on the Human Environment, where the notion 'development' was incorporated in 14 out of the 26 Principles of the Stockholm Declaration.⁴⁰ The first mention of the coined phrase 'sustainable development' can be traced to a 1980 report by the International Union for the Conservation of Nature and Natural Resources.⁴¹ The most widely cited and well-known definition of the concept yet has been provided by the Brundtland Commission

³⁶ The Addis Agenda states: "We commit to invest in efforts to strengthen the capacity of national and local actors to manage and finance disaster risk, as part of national sustainable development strategies, and to ensure that countries can draw on international assistance when needed." Para. 62.

³⁷ Megan Rowling, 'Sendai talks establish targets to reduce damage from natural disasters', *The Guardian*, 18 March 2015, <<http://www.theguardian.com/global-development/2015/mar/18/sendai-un-talks-targets-damage-natural-disasters>>.

³⁸ *Ibid.*

³⁹ Article 3.4 of the UNFCCC stipulates that 'The Parties have a right to, and should, promote sustainable development.'

⁴⁰ Declaration of the United Nations Conference on the Human Environment, 1972 <<http://www.unep.org/Documents.Multilingual/Default.asp?documentid=97&articleid=1503>>. Development is defined as "industrialization or economic advancement of a country or an area" by the Concise Oxford Dictionary (9th ed.).

⁴¹ World Conservation Strategy: Living Resource Conservation for Sustainable Development (1980). The first international treaty that used the expression 'sustainable development' was the 1985 ASEAN Agreement on the Conservation of Nature and Natural Resources. Article 1(1), 15 E.P.L. (July 9, 1985). See Ved P. Nanda and George (Rock) Pring, *International Environmental Law and Policy for the 21st Century* (2nd revised edition, Brill, 2012), 24.

Report entitled 'Our Common Future'. It states that "sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."⁴² The overarching aim of defining the interplay between economic development and environmental sustainability is thus meant to confine the extent of ecological degradation arising from industrialization.⁴³

However, sustainable development discourse has not been approached without controversy. A multitude of studies have critiqued the concept of sustainable development, particularly in relation to the duality of its goals in trying to reconcile environmental sustainability and economic progress. To begin with, the Brundtland Commission's definition of sustainable development has been the subject of contention within the academic community in that it seems to unduly favour human-centred developmental, as opposed to ecological preservation concerns.⁴⁴ In other words, sustainable development is an inherently anthropo-centred concept. This reflects the ultimate challenge of environmental protection, whereby a precarious balance needs to be struck when evaluating the socio-economic consequences of environmental damage and the measures adopted to halt it. Ludwig et al., in exploring sustainable development from a historical perspective, are sceptical that an equilibrium between resource exploitation and responsible conservation can ever be achieved.⁴⁵ Similarly, sustainable development has come under critique because it arguably "naturalize[s] and obfuscate[s] the process whereby some people systematically under-develop others."⁴⁶ This view can be traced back to notions of ecological imperialism,⁴⁷ maintaining that developed countries seek to entrench their industrialised status by precluding developing states from achieving similar levels of advancement.⁴⁸ This is done through the adoption of strict environmental legislation that allegedly impedes economic progress.⁴⁹ In this light, Ruth Gordon points out the 'folly' of sustainable development, stating that it would be impossible for every country in the world to develop, if the path of fossil fuel industrialisation of affluent states were to be followed.⁵⁰

However, these accounts seem to offer a rather one-dimensional, black-and-white view of sustainable development that fails to capture the complexity of inter-relationships at play in sustainable development discourse. While it is true that poorer countries' priorities are currently focused on attaining economic progress, calls for environmental sustainability do not necessarily have to come at the cost of hindering development. They could in fact strengthen it. Environmentally-sound development can lead to long-term resilience and prevent the potentially devastating consequences of ecological crises such as climate

⁴² World Commission on Environment and Development (WCED), *Our Common Future*, ch. II, ¶ 1, U.N. Doc. A/42/427, (Aug. 4, 1987) ch. II, ¶ 80; ch. III, ¶ 72-74. In the separate opinion of Judge Weeramantry in *Gabčíkovo-Nagymaros Project* (Hung. v. Slov.), 1997 I.C.J. 7, at 97 (Sept. 25), the legal status of the sustainable development principle is elaborated upon.

⁴³ P. Cullet, *Differential Treatment in International Environmental Law* (Ashgate, 2003), 10.

⁴⁴ Ved P. Nanda and George (Rock) Pring (2012), 25.

⁴⁵ Donald Ludwig et al., 'Uncertainty, Resource Exploitation, and Conservation: Lessons from History' (1993), *Science*, at 17, 36.

⁴⁶ Usha Natarajan & Kishan Khoday, 'Locating Nature: Making and Unmaking International Law' (2014) 27 *Leiden J. Int'l L.* 573, 579, at 589.

⁴⁷ Paul Driessen, *Eco-Imperialism: Green Power, Black Death* (Gazelle Distribution Trade, 2003).

⁴⁸ For the colonial origins of the North-South divide, see Clive Ponting, *A New Green History of the World: The Environment and the Collapse of Great Civilizations* (Penguin Books; Rev Upd. edition (December 18, 2007), 130-36.

⁴⁹ *Ibid.*

⁵⁰ Ruth Gordon, 'Climate Changes and the Poorest Nations: Further Reflections on Global Inequality' (2007) 78 *U. Colo. L. Rev.* 1559.

change.⁵¹ Yet, completely disregarding the imperative of advancing the poorest regions in the world would be counter-productive, since the international community requires the political and financial cooperation of developing countries to tackle global challenges such as climate change.

An integrated, socio-environmental approach of achieving economic progress is hence acknowledged by Nanda and Pring as a beneficial aspect of the sustainable development discourse.⁵² The authors argue that true development is a holistic endeavour that covers a multitude of issues, among which poverty, democracy and employment. They outline the long-term and short-term vision that sustainable development discourse requires, involving a twofold consideration of the needs of future generations (signifying *inter*-generational equity, or equity *between* generations⁵³) as well as the needs of present generations (in other words, equity *within* generations, representing *intra*-generational equity).⁵⁴ The quest for a truly 'sustainable development' ultimately involves a balancing exercise which ensures that current demands upon natural resources do not occur at the expense of unborn people's right to enjoy such resources. Hence, the following part of this paper aims to tackle the recurring issue of achieving a well-integrated and coherent global response to sustainable development challenges.

6. The SDG Effort and the Need for Enhanced Integration

The previous sections of this article have illustrated the sheer number of provisions, organs and institutions involved in ensuring even a single Sustainable Development Goal (e.g. environmental protection or natural resources preservation). This requires a sustained effort of coordination and communication between what are profoundly bureaucratic organizations that operate in siloes and are frequently unaware of each other's mandates. Thus, unless such conflicts are addressed, international law can only have a limited impact upon the achievement of the post-2015 sustainable development agenda.

Moreover, even though the SDGs are meant to be 'applicable to all' countries and peoples, there is a caveat in that "different national realities, capacities and levels of development and respecting national policies and priorities"⁵⁵ need to be taken into account. In addition:

Targets are defined as aspirational and global, with each Government setting its own **national targets** guided by the global level of ambition but **taking into account national circumstances**. Each Government will also decide how these aspirational and global targets should be incorporated into **national planning processes, policies and strategies**.⁵⁶

⁵¹ Gordon does acknowledge that developing States are the ones most vulnerable to climate change, *ibid.* 1560.

⁵² Ved P. Nanda and George (Rock) Pring (2012), 27. See also Rosales, O. (1988) 'An Assessment of the Structuralist Paradigm for Latin American Development and the Prospects for its Renovation', *CEPAL Review* 34: 19–36, at 36.

⁵³ For a leading authority on inter-generational equity, see Edith Brown Weiss, *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity* (United Nations University, 1989) 37-39.

⁵⁴ Ved P. Nanda and George (Rock) Pring, (2012), 29-30.

⁵⁵ UNGA Res. 70/1, Declaration, para. 5.

⁵⁶ Para. 55. Emphasis added. The specific circumstances of particularly vulnerable steps are also reflected in para. 56: "we recognize that each country faces specific challenges to achieve sustainable development, and we underscore the special challenges facing the most vulnerable countries and, in particular, African countries, least developed countries, landlocked developing countries and small island developing States, as well as the specific challenges facing the middle-income countries. Countries in situations of conflict also need special attention."

From this paragraph it is clear that, while the SDGs are intended to be the 'Global Goals', their implementation to a large extent depends on individual national policies, which fall outside the remit of international law.

What is more, the scope and breadth of the SDGs pose the risk that some of the Goals could mutually conflict, if not interpreted or applied consistently. For instance, Goals 8 and 9 could clash with others since achieving economic growth (Goal 8) needs to be decoupled from the Earth's natural resource use and carrying capacity, if ecological disaster is to be avoided. This is because humanity as a whole now consumes the equivalent of 1.6 Earths in order to sustain contemporary human lifestyles on the planet.⁵⁷ This is despite the fact that more than half of the world's population lives below US\$2.50 per day.⁵⁸ Yet, it is apparent that the large number of people who lack even basic necessities would need to actually *increase* their resource consumption if the overall SDG effort is to be successful. Thus, SDGs such as Goal 9 regarding improved infrastructure and industrialisation need to take into account the environmental impact of the relevant projects, as well as the impact on local populations. In light of this, the adequate monitoring and implementation of the SDG process cannot be overemphasised, if the Global Goals are to leave the realm of the aspirational and achieve their intended outcomes.

Conclusion

Given the complexity of legal frameworks involved in tackling the sustainability challenges embodied by the SDGs, this article has therefore focused on streamlining the relationship between the SDGs and the international climate change regime in particular. The analysis undertaken revealed that the integrated challenge of disaster management, climate change and development is not coherently dealt with, but is rather addressed in a fragmented and piecemeal manner. Hence, the primary objective of this study was to put forth a proposal for a more coherent and dynamic approach of responding to complex and interrelated policy conundrums.

The article therefore demonstrated that as long as a short-term, isolated perspective continues to be adopted by the international community and local governments alike, the chances of a successful outcome in dealing with some of the most pressing global challenges such as climate change remain slim. Thus, strong, unified and proactive measures are essential in avoiding such risks. This paper advocates a framework of global and national governance that would not impede a competitive economy, but at the same time respects the limits of what nature can bear. This would be the greatest incentive for both developed and developing countries to start taking their international obligations seriously.

⁵⁷ See Global Footprint Network, <http://www.footprintnetwork.org/en/index.php/GFN/page/world_footprint/>.

⁵⁸ See '11 Facts about Global Poverty', <<https://www.dosomething.org/us/facts/11-facts-about-global-poverty>>.